



WISCONSIN

**DEPARTMENT OF WORKFORCE DEVELOPMENT**

Division of Economic Support  
Bureau of Work Support Programs

**TO: Economic Support Supervisors  
Economic Support Lead Workers  
Training Staff  
Child Care Coordinators  
W-2 Agencies**

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**BWSP OPERATIONS MEMO**

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**Non W-2** ☐ **W-2** ☒ **CC** ☐

**PRIORITY:** Medium

**SUBJECT: W-2 ELIGIBILITY FOR VISTA VOLUNTEERS**

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**CROSS REFERENCE:** W-2 Manual, 2.2.0 & 3.2.7.6.  
BWSP Operations Memo 99-49

**EFFECTIVE DATE:** Immediately

**PURPOSE**

This memo provides clarification to the W-2 agencies regarding W-2 eligibility for VISTA volunteers.

**BACKGROUND**

The AmeriCorps\*VISTA program is a federal service program designed to strengthen and supplement efforts to alleviate poverty. It is governed by the Domestic Volunteer Service Act (DVSA) of 1973, Title I, Part A, 42 USC 4951. The DVSA language demonstrates clear congressional intent to allow persons with low or fixed incomes to serve as volunteers without fear of loss of those benefits they would be otherwise eligible for or were receiving prior to their entrance into volunteer service.

Section 404(f)(1) of the DVSA prohibits any inclusion of VISTA allowances in computing income for any public assistance eligibility unless otherwise determined by VISTA.

Under Section 404(f)(2), a VISTA volunteer who was otherwise eligible to receive governmental assistance or services prior to VISTA enrollment shall not be denied assistance or services because of a volunteer's failure or refusal to register for, seek, or accept employment or training during the period of volunteer services. These provisions were designed to ensure that persons

receiving assistance or services under any Federal, State or local governmental program do not lose any assistance as the result of their VISTA service.

**NOTE:** While DVSA language refers to individuals who are otherwise entitled to receive assistance, “entitled to receive assistance” originally referred to such programs as AFDC, food stamps and Medicaid. Although, under 42 USC 601(b), individuals are not entitled to TANF benefits in the same way as those other programs, the DVSA language does apply to TANF benefits.

## ***ELIGIBILITY FOR A W-2 EMPLOYMENT POSITION***

In the W-2 program, eligibility determination begins with meeting nonfinancial and financial eligibility requirements. However, once eligibility has been determined for a W-2 employment position, the FEP must conduct an informal assessment to determine appropriate placement in one of the W-2 employment positions (Unsubsidized Employment (UE), Trial Job (TJ), Community Service Job (CSJ), W-2 Transition (W-2T)). FEPs must use the following policies when determining eligibility for VISTA volunteers.

### ***FINANCIAL***

Disregard AmeriCorps\*VISTA income unless the VISTA agency director verifies that volunteers are receiving the equivalent of minimum wage (see W-2 Manual, Section 3.2.7.6). If the VISTA volunteer is receiving minimum wage or more, count the VISTA income in determining gross income.

### ***NONFINANCIAL***

VISTA volunteers applying for, or participating in, a W-2 employment position, shall not be required to search for unsubsidized employment throughout his or her participation in a W-2 employment position.

This will be added to the W-2 Manual, Section 2.2.0 in the next release.

## ***ASSESSMENT AND PLACEMENT IN A W-2 EMPLOYMENT POSITION***

### ***VISTA VOLUNTEERS APPLYING FOR W-2***

Chapter 5 of the W-2 Manual instructs FEPs to conduct an informal assessment of W-2 applicants to determine the most appropriate placement in a W-2 employment position (UE, TJ, CSJ, W-2T). If the FEP determines that the applicant is not ready for unsubsidized employment, the assessment information is used to place the applicant in the most appropriate W-2 subsidized employment position. Being a VISTA volunteer while applying for W-2 does not make the applicant more or less appropriate for any W-2 employment position. The FEP must still take into consideration the applicant's recent job search efforts, work history, education, skills, interests and abilities when determining appropriate placement. VISTA does not allow volunteers to seek employment or accept employment training while serving in the VISTA program. The FEP must take this into consideration when assigning W-2 activities.

However, with the approval of the VISTA project supervisor, the VISTA volunteer may take advantage of W-2 services. If this approval is granted by the VISTA project supervisor, assigned case management activities must be included on the W-2 employability plan and, if in a CSJ or W-2T employment position, the participant must be held accountable for completing these activities.

**Example:** Mary, a VISTA volunteer, applied for W-2. As a part of Mary's VISTA project, she recruits local volunteers to repair, renovate and expand existing housing or to construct new homes at affordable rates in low income neighborhoods. Mary also had five years of work experience prior to becoming a VISTA volunteer. Mary was found both financially and nonfinancially eligible for W-2. Based on the FEP's informal assessment of Mary's work history and skills, the FEP determined that Mary was eligible for some case management services while serving in VISTA and she was placed on the Unsubsidized Employment rung of the W-2 ladder. However, according to VISTA policy, Mary must obtain approval from the VISTA project supervisor in order to participate in case management activities.

### W-2 PARTICIPANTS WHO BECOME VISTA VOLUNTEERS

Reassessment of a participant's skills and employability is part of ongoing case management under W-2. Becoming a VISTA volunteer may indicate that a participant has gained some or all of the necessary skills to obtain employment and, therefore, a reassessment may be appropriate at that time. Through an informal assessment, the FEP must determine whether or not the W-2 participant should continue in his or her current W-2 employment position or should be considered for a more suitable W-2 employment position ( UE, TJ, CSJ, W-2 T).

**Example:** Joan is a CSJ participant who was recently accepted by the VISTA program as a volunteer. Joan's VISTA project requires her to distribute information on child immunization programs. Based on an informal assessment, the FEP determines that Joan is still not prepared for unsubsidized employment and would benefit from continued CSJ services while participating in the VISTA program. The FEP also recognizes the valuable skills Joan will gain from her VISTA participation and the likelihood that this will have a positive impact on her obtaining unsubsidized employment in the future.

### **COUNTING VISTA PARTICIPATION AS A W-2 ACTIVITY**

If placed in a W-2 employment position (Trial Job, Community Service Job, W-2 Transition), a VISTA volunteer's service time must be included as a part of the participant's W-2 employability plan and the participant can have their W-2 benefits reduced if he or she failed to follow-through on VISTA participation. Although VISTA members serve full-time without regard to regular working hours and may, therefore, be working more than 40 hours a week, the FEP must only assign the W-2/VISTA participant the maximum number of allowable work training hours for the W-2 employment position. In order to determine whether or not W-2/VISTA participants are meeting their W-2 participation requirements, upon request by the FEP or the participant, the VISTA project supervisor (or other appropriate person from the VISTA sponsoring organization) will provide a bi-weekly certification that participants are still serving on the project. In keeping with the W-2 program's philosophy, it is suggested that it be the responsibility of the participant to submit these bi-weekly certifications; however, the FEP may work directly with the VISTA project supervisor to obtain the information.

### **APPROPRIATE CASE MANAGEMENT ACTIVITIES FOR W-2/VISTA**

## ***PARTICIPANTS***

Although VISTA does not allow its volunteers to seek employment or accept employment training, a VISTA volunteer may take advantage of the case management services offered under W-2 as long as he or she has approval from the VISTA project supervisor. Participation in the W-2 activities would not only increase the W-2/VISTA participant's future employability, but the participant can also utilize the skills obtained by participating in W-2 activities as a VISTA volunteer.

There are a number of case management services available under W-2 that would be appropriate for the W-2/VISTA participant. These include, but are not limited to:

- ◆ Providing information on and/or assessing eligibility for food stamps, child care and Medicaid
- ◆ Establishing employment goals and exploring career options
- ◆ Providing assistance in creating a financial plan
- ◆ Providing referrals to other community resources
- ◆ Offering parenting or life skills training
- ◆ Writing a resume
- ◆ Completing job applications \*
- ◆ Arranging job interviews with employers \*

\* These services should be offered only near the end of the participant's service in VISTA. Dates of VISTA service can be verified by the Wisconsin state program office of Corporation for National Service (414-297-1118).

## ***ELIGIBILITY FOR TIME LIMIT EXTENSIONS***

VISTA participation does not guarantee eligibility for an extension. As with all W-2 participants who reach their time limits, the FEP must review the W-2/VISTA participant's eligibility for an extension using the W-2 extension criteria. The only exception is that the W-2/VISTA participant's failure to seek employment or accept employment training while serving in the VISTA program and W-2 cannot be used to justify denying an extension.

**Example:** Shari is in a CSJ employment position. Shari's CSJ requirements include VISTA volunteer service. In Shari's 20<sup>th</sup> month of W-2 participation, the FEP reviews the extension criteria with Shari and determines that although she has participated with program requirements, based on the skills obtained through W-2 and her VISTA volunteer service, the local labor market does not preclude reasonable job opportunities for Shari if she were not serving in VISTA. Therefore, she is found ineligible for a CSJ extension.

Based on the decision, the FEP may offer to move Shari to the Unsubsidized Employment rung of the W-2 ladder in order to continue providing W-2 case management services. Because Shari is not allowed to search for employment or attend employment training opportunities during her VISTA service and, therefore, may not be penalized, Shari may get approval from her VISTA project supervisor to participate in case management activities. If Shari's project supervisor does not grant approval for Shari to participate in case management activities, Shari may be ineligible for W-2 services. However, Shari may reapply for W-2 services at any time and may choose to do so once she has finished her VISTA work.

## ***CONTACT***

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Note: Email contacts are preferred. Thank you.

DWD/DES/BWSP/MM